

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MARCH 15, 2017**

PRESENT: Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commission At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie M. Strandlie, Mason District
Phillip A. Niedzielski-Eichner, Providence District
Karen A. Keys-Gamarra, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Peter F. Murphy, Springfield District
Earl L. Flanagan, Mount Vernon District

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The meeting was called to order at 8:24 p.m., by Vice Chairman Frank A. de la Fe, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

RZ 2016-HM-010/SE 2016-HM-007 – SCIMORES ACADEMY LLC

(Start Verbatim Transcript)

Vice Chairman de la Fe: Before we have our public hearing, can I – are there any administrative items? And I would just like to – I noticed that there are a couple of deferrals for public hearings in the Hunter Mill District. I thought we had done them administratively, but since they're on the agenda, I will move them. Mr. Chairman, I move – or – I MOVE THAT THE RZ 2016-HM-010/SE 2016-HM-007 – SCIMORES ACADEMY LLC PUBLIC HEARING BE MOVED TO APRIL 19TH, 2017.

Commissioner Ulfelder: Second.

Secretary Hart: Motion's been made and Mr. Ulfelder seconded it. Any discussions? Seeing none, we'll move to a vote. All those in favor of deferring the Scimores Academy LLC public hearing to April 19, 2017, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries.

The motion carried by a vote of 10-0. Chairman Murphy and Commissioner Flanagan were absent from the meeting.

(End Verbatim Transcript)

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RZ/FDP 2016-HM-005 – 1831 MICHAEL FARADAY, LLC

(Start Verbatim Transcript)

Vice Chairman de la Fe: I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR RZ/FDP 2016-HM-005 – 1831 MICHAEL FARADAY DRIVE, LLC TO APRIL 18TH. And, regardless – although they are being varied probably realistic in what’s in the agenda, I MOVE TO APRIL 18TH, 9 – 2017.

Commissioner Sargeant: It’s May 18th.

Vice Chairman de la Fe: MAY 18TH.

Commissioner Ulfelder: Second.

Secretary Hart: Motion’s been made. Commissioner Ulfelder seconded it to defer the Michael Faraday, LLC case to – well, you said April, but you mean May.

Vice Chairman de la Fe: No – May.

Secretary Hart: May 18th.

Vice Chairman de la Fe: May 18th.

Secretary Hart: May 18th, 2017. Any discussion on that motion? Seeing none we move to vote. All in favor, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries.

The motion carried by a vote of 10-0. Chairman Murphy and Commissioner Flanagan were absent from the meeting.

(End Verbatim Transcript)

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THE CAPITAL IMPROVEMENT PROGRAM (CIP)

(Decision Only)

(The workshop/public hearing on this application was held on March 9, 2017.)

(Start Verbatim Transcript)

Commissioner Sargeant: One matter regarding the – the Planning Commission’s Capital Improvement Program consideration. The CIP was due for a decision only vote of to – this evening. However, the CIP Committee determined that some additional consideration is necessary. Therefore, WE WILL PROPOSE TO DEFER THE DECISION ONLY TO A DATE CERTAIN OF MARCH 29TH, 2017.

Commissioner Hart: Second.

Vice Chairman de la Fe: It’s been moved and seconded. Any discussion? Hearing and seeing none. All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de le Fe: Opposed? The motion carries.

The motion carried by a vote of 10-0. Chairman Murphy and Commissioner Flanagan were absent from the meeting.

(End Verbatim Transcript)

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2232-Y16-42 – T-MOBILE, 6212 Summer Pond Drive, Centerville

(Start Verbatim Transcript)

Commissioner Keys-Gamarra: Yes Mr. Chair. I also have a – a – administrative matter for a 2232. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION – COMMISSION CONCUR WITH STAFF’S DETERMINATION FOR APPLICATION 2232-Y16-42 THAT THE PROPOSED TELECOMMUNICATIONS FACILITY BY T-MOBILE LOCATED AT 6212 SUMMER POND DRIVE IN CENTERVILLE, IS SUBSTANTIALLY IN ACCORD WITH RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURES SHOWN” OF THE PLAN, PURSUANT TO VIRGINIA CODE SECTION 15.2-2232, AS AMENDED.

Commissioner Hurley: Second.

Vice Chairman de la Fe: Then moved and seconded. Any discussion? Hearing and seeing none. All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 10-0. Chairman Murphy and Commissioner Flanagan were absent from the meeting.

(End Verbatim Transcript)

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Commissioner Strandlie announced and extended congratulations to John W. Cooper who was accepted to the 2017 Class of The Sorensen Institute for Political Leadership Candidate Training Program. Commissioner Strandlie said Sorenson is based at the University of Virginia and espouses trust, stability and respect in politics.

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Commissioner Ulfelder announced since the Commission will not on March 22, 2017 or March 23, 2017, he wanted to let his fellow Commissioners know he had two cases that were scheduled for decision only on March 29, 2017; however, on one of the cases, SE 2015-DR-027 Mahlon A. Burnette, III and Mary H. Burnette, the applicants had requested an indefinite deferral.

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Vice Chairman de la Fe announced there was no Committee meeting on March 29, 2017.

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ORDER OF THE AGENDA

Vice Chairman de la Fe established the following order of the agenda:

FDPA 78-C-118-20 – LB FRANKLIN FARM, LLC

This order was accepted without objection.

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FDPA 78-C-118-20 – LB FRANKLIN FARM, LLC – Appl. to amend the final development plan for RZ 78-C-118 to permit minor site modifications and associated changes to development conditions. Located in the N.W. quadrant of the intersection of Franklin Farm Rd. and Fairfax County Pkwy. on approx. 18.58 ac. of land zoned PDH-2 and WS. Tax Map 35-1 ((04)) (22) 1, 2B, 3, 4 and 5. SULLY DISTRICT. PUBLIC HEARING.

Sara V. Mariska, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated February 13, 2017.

Commissioner Hart disclosed the Law Firm of Hart & Horan, P.C. currently has one case where the attorneys in Ms. Mariska's firm representing an adverse party or adverse parties. He stated that matter and those parties are unrelated to the above referenced case. Commissioner Hart said The Law Firm of Hart & Horan, P.C. has no business or financial relationship and does not think this matter will affect his ability to participate in the case.

Michael Lynskey, Staff Coordinator, with the Department of Planning and Zoning presented the Staff Report, a copy of which is in the electronic date file. Mr. Lynskey also noted staff recommended approval of application for FDPA 78-C-118-20, subject to the development conditions in the Staff Report.

Sara V. Mariska, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, stated the application is very straightforward and involves an empty Sears department store that closed unexpectedly. The proposal is for a trampoline facility which would be a community friendly use. Ms. Mariska added that the proposal has the support of the West Fairfax County Citizens Association (WFCCA) and Staff is also recommending approval.

Commissioner Keys-Gamarra asked Ms. Mariska what the hours of operation for the facility would be. Ms. Mariska responded that the hours of operation are not yet confirmed, but that similar uses were generally 3:30 p.m. to 8:00 p.m., Monday through Thursday, 10:00 a.m. to 9:00 p.m. Friday, 10:00 a.m. to 9:00 p.m. Saturday, and 10:00 a.m. to 7:00 p.m. on Sunday.

Commissioner Keys-Gamarra asked what the target audience for the use would be. Ms. Mariska said roughly 10 to 15 year olds with an emphasis on birthday parties.

Commissioner Keys-Gamarra expressed concern about teenagers hanging out in the parking lot of the facility. Ms. Mariska responded that representatives of Rappaport, the manager for the shopping center, were present and that they will work with the Commission, the community, and whomever might have a concern. Ms. Mariska said she did have a concern about putting hours in the conditions and is working towards greater flexibility so that her client does not have to repeat this process periodically to revise conditions. She noted that there are uses in the shopping center with a variety of hours, including a 24-hour per day health club.

Commissioner Hart asked if the indoor recreation became a by-right use if the application was approved by the Planning Commission. Ms. Mariska stated that was correct.

Commissioner Hart inquired about a designated parking location for the proposed facility as the grocery store and other uses in the shopping center were busy on a Saturday. Ms. Mariska said she believes there is enough parking and that shopping center users may park once to access multiples uses. In addition, the office use will not be utilizing its parking on weekends.

Commissioner Hart asked for clarification on the use determination for hookah bars, and if approving indoor recreation uses in this shopping center would permit that use as well. Mr. Lynskey noted a recent Zoning Ordinance amendment and stated that only certain commercial recreation uses were permitted, but that he believed hookah bars were considered similar to the proposed use.

Commissioner Hart asked if this was being done for the whole shopping center and not just the hardware store. Mr. Lynskey and Ms. Mariska both said yes.

Commissioner Migliaccio asked if the applicant had considered pedestrian striping or a crosswalk from the office building to the proposed use. Larry Spott, CDP, CRX, Executive Vice President, Rappaport, said the crosswalks shown are ADA pathways leading directly to ADA parking spaces located directly in front of the office building.

Commissioner Migliaccio asked Staff to show how the pedestrian flow works from the office building across to the proposed use. Mr. Lynskey stated individuals would park in the parking lot and cross the drive aisle to the front door of the proposed use.

Commissioner Sargeant asked if alcohol was permitted on the site. Ms. Mariska said they would not sell alcohol. However, there is nothing in the conditions that addresses the sale of alcohol.

Commissioner Strandlie referred to Condition # 9 and the list of prohibited uses. She asked for clarification as to whether the Sully District is prohibited from having payday lenders through the Zoning Ordinance. William Mayland, Assistant Director with the Department of Planning and Zoning, Zoning Evaluation Division stated that the PDH District does not allow payday lenders.

Commissioner Strandlie asked if Staff was satisfied with the current language regarding adult uses. Mr. Mayland said he was and that there is nothing that would permit adult uses in the PDH District.

Mr. Lynskey noted that the conditions include prohibited uses because even though those uses are allowed in the PDH District they have to be shown on an FDP, which is the reason for this application. Mr. Lynskey added commercial recreation does not require a special exception.

Commissioner Strandlie said her concern is that she wants to make certain payday lenders are not allowed. Ms. Mariska reiterated payday lenders are not allowed.

Commissioner Hart addressed Staff and said it is technically correct that adult uses are not allowed in a PDH District except that adult video is still by-right if there is retail by-right. He said our Zoning Ordinance does not draw that line and cannot for some reason.

Commissioner Ulfelder asked to confirm the location of the entrance. Ms. Mariska pointed to the entrance on the plans. Commissioner Ulfelder said there are four sides and ask to confirm the middle entrance. Ms. Mariska confirmed the entrance as being the side with the speed bumps.

Commissioner Ulfelder asked if the parking area in the back was for employees who worked at the former Sears Hardware. Ms. Mariska confirmed that it was.

Vice Chairman de la Fe called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman

de la Fe closed the public hearing and recognized Commissioner Keys-Gamarra for action on this case.

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(Start Verbatim Transcript)

Commissioner Keys-Gamarra: First, I want to clarify that I am – I am pleased about this opportunity in our community. And I would like to thank my fellow Commissioners for bring issues to mind that I quite frankly had not thought about. But I also had some concerns when I came here. With respect to hours, I do think that this will be the type of business that will attract a number of teenagers. And I'm very familiar with this – and I love teenagers, I have three of them. But I also know that this is a – very much a family friendly neighborhood and that some concerns had been expressed to me by neighbors around there. Number one was parking, and also respect to hours and how we can put conditions so that we don't have – this doesn't become an attractive nuisance. I understand the hesitancy with respect to making hours a development condition, but I think that given some of the things that have been raised tonight, we still need to do a little bit more work to protect the folks who lived in this neighborhood. So I'd like to defer this. I believe we can do it on the 29th? So, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR FDPA 78-C-118-20 TO A DATE CERTAIN OF MARCH 29TH. Did I say it . . .

Commissioner Strandlie: Second.

Vice Chairman de la Fe: Seconded by Ms. Strandlie. Mr. Ulfelder. Okay. Okay. Any discussion?

Commissioner Hart: Mr. Chairman.

Vice Chairman de la Fe: Yes, Mr. Hart.

Commissioner Hart: I think – I couldn't hear them, but I thought Ms. Mariska may or may not have a schedule conflict that night.

Sara V. Mariska, Walsh, Colucci, Lubeley & Walsh, PC: That's why I was just trying to verify if that is a concern for us or not. We – I was going to say – we've been working on this for a long time, so I was wondering if there is any way to a – a go through this tonight. But I understand that you might have some concerns with doing that and like – I'm just looking at my client to see if there is a concern with that timing.

Commissioner Keys-Gamarra: Well I . . .

Vice Chairman de la Fe: We don't have time.

Ms. Mariska: Right, I think that was our concern, is that my client is not able to attend. I'm – I am able to attend, but, right – right. . .

Commissioner Keys-Gamarra: If I may speak, Mr. Chairman.

Vice Chairman de la Fe: Yes.

Commissioner Keys-Gamarra: I think it's – it's become a little bit more than hours today. There is circulation of pedestrians in the lot and – and issues of that nature that I'd like to make sure that we iron out. And so I'm not . . .

Ms. Mariska: I was going to say is there and opportunity to continue that discussion tonight or you feel confident that that's something that needs to be handled later.

Vice Chairman de la Fe: No – we – this is the only public hearing and we are, you know, when it's finished, it's finished.

Ms. Mariska: Understood.

Vice Chairman de la Fe: So the public hearing has been closed. So, is there any further discussion?

Commissioner Hart: Mr. Chairman.

Vice Chairman de la Fe: Hearing and seeing none – yes – oh Mr. Hart, I'm sorry.

Commissioner Hart: My – my point was if there was a schedule conflict, that we pick a different night for the applicant if – if rather than the 29th. They just want it done tonight.

Ms. Mariska: Well, my client is not able to attend. So that's . . .

Vice Chairman de la Fe: Okay, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 10-0. Chairman Murphy and Commissioner Flanagan were absent from the meeting.

(End Verbatim Transcript)

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CLOSING

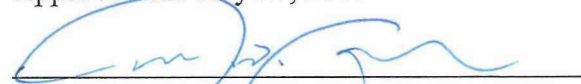
March 20, 2017

The meeting was adjourned at 8:55 p.m.
Frank A. de la Fe, Vice Chairman
James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Samantha Lawrence

Approved on: July 27, 2017



John W. Cooper, Clerk to the
Fairfax County Planning Commission